

REMARKS

Favorable reconsideration is respectfully requested in view of the foregoing amendments and following remarks.

The Applicant has appointed a new attorney. A New Power of Attorney and Revocation of Former Powers will be filed in due course.

Claims 2-16 are pending. Claims 6-13 are withdrawn as being directed to non-elected subject matter. New claim 16 is added supported by claims 3 and 15. Claim 15 is amended.

Turning to the Official Action, claims 2-5 and 14-15 are rejected under 35 USC 103 as unpatentable over U.S. Patent No. 4,438,067. This ground of rejection is respectfully traversed.

The Examiner has stated that it would have been within the skill in the art to modify Siddiqi and select a content of polymer beads being 5-30 wt.% of the total reagent layer and the light reflective particles in the amount of 10-70 w/v% based upon the total content of the beads as optimization of a result effective variable.

However, the dry measuring test device of this invention is not achieved by optimization of that disclosed by Siddiqi. As discussed in the response filed on December 10, 2002 (page 4), the polymer beads are retained in the matrix. That is, the polymer beads are embedded in the matrix. Claim 15 has been clarified to emphasize this feature. Please see the paragraph bridging pages 20-21 of the specification.

On the contrary, in the test strip of Siddiqi, the beads are not embedded in the matrix. The test strip of Siddiqi comprises a support and a layer of beads coated onto and bonded to a surface of the support to define pockets between mutually contacting beads in which the aqueous test solution can be retained. Specifically, Siddiqi described as follows:

“The beads are simply attached by adhesion to the supporting strip without any dispersive and absorbent matrix for embedding the beads like in the strips of the prior-art in which said matrix serves usually as a sampling medium for the solutions to be tested and also as a development medium for the desired color analytical reaction.” (Emphasis added; col. 3, line 65 to col. 4, line 3)

Siddiqi clearly teaches that beads are attached by adhesion to the supporting strip without any matrix for embedding the beads and, therefore, teaches away from retaining beads in the matrix. Thus, one skilled in the art would not have been motivated to modify the strip of Siddiqi along the lines of the claimed invention.

In addition, Siddiqi is silent about the claimed matrix which contains the reagent according to the dry measuring test device of the present invention.

In view of the foregoing, favorable reconsideration and allowance is solicited.

Respectfully submitted,

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